

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claim 1 to further clarify the subject matter of the invention and to overcome the § 112 rejections. Support for the amendments to claim 1 may be found, for example, in Fig. 1 of the drawings. No new matter has been added.

Applicants respectfully submit that all pending claims are patentable over the cited prior art for the reasons set forth below.

II. The Rejection Of Claims 1, 5-6, 10 And 12-15 Under 35 U.S.C. § 102

Claims 1, 5-6, 10 and 12-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Asano et al. (JP 06-020677). Applicants respectfully traverse this rejection of the pending claims for at least the following reasons.

With regard to the present disclosure, claim 1 recites an electrochemical device having an electrode plate assembly that comprises: a first electrode which comprises a first current collector sheet having a conductive area and an insulating area and at least one first electrode mixture layer carried thereon, a second electrode which comprises a second current collector sheet having a conductive area and an insulating area and at least one second electrode mixture layer carried thereon, the conductive area of said first current collector sheet is connected to a first terminal on a first side face of said layered-type electrode plate assembly, the conductive area of said second current collector sheet is connected to a second terminal on a second side face of said layered-type electrode plate assembly, the insulating area of said first current collector sheet is positioned on said second side face, and the insulating area of said second

current collector sheet is positioned on said first side face, wherein said insulating area of said first current collector protrudes into the second terminal, and said insulating area of said second current collector protrudes into the first terminal.

One feature of the present disclosure is that the insulating area of the first current collector protrudes into the second terminal, and the insulating area of the second current collector protrudes into the first terminal. For example, as is shown in Fig. 1, the edge portion of the second conductor layer 12x in the insulating area of the first current conductor 18a protrudes into the first terminal 17a. As a result of this configuration, a short-circuit between the first and second electrodes can be prevented. Furthermore, the configuration allows the conductive areas of the plurality of first or second current collector sheets to be easily interconnected to provide a high capacity battery having parallel connection, as discussed on page 19, lines 9-15 of the specification.

In contrast to the present disclosure, Asano fails to disclose that the insulating area of the first current collector protrudes into the second terminal, and the insulating area of the second current collector protrudes into the first terminal. As is clearly shown in Fig. 1 of Asano, the current collectors are not connected to the terminals 6 and 10. Rather, a lead is connected to the electrode 3, 4 and the lead is then connected to the terminal. As such, for at least this reason, Asano does not disclose each and every element of claim 1 of the present disclosure.

Anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983). As is clearly shown, Asano does not disclose that the insulating area of the first current collector protrudes

into the second terminal, and the insulating area of the second current collector protrudes into the first terminal. Therefore, Applicant submits that Asano does not anticipate claim 1 of the present invention and accordingly, claim 1 is allowable and patentable over the cited prior art. As such, Applicant respectfully requests that the § 102(b) rejection of claim 1 be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Rejection Of Claims 1, 8-13 And 16 Under Nonstatutory Double Patenting Doctrine

Claims 1, 8-13 and 16 still stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending U.S. Application No. 10/540,867 in view of Takatani et al.

However, as was stated in the previous response, since the rejection is provisional, Applicants respectfully request that the rejection be withdrawn until such time as claims in either application have been indicated to be allowable. As claims are often amended during prosecution, it is possible that the claims determined to be allowable may be patentably distinct from one another. According to PAIR, as of today December 3, 2008, the claims of Application No. 10/540,867 have yet to be allowed.

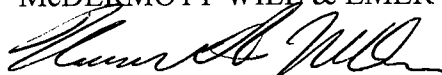
V. Conclusion

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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